

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
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DATE FILED #: 3/17/09

In re:

REZULIN PRODUCT LIABILITY
LITIGATION

MASTER FILE
00 Civ. 2843 (LAK)
(MDL No. 1348)

This Document Relates to:

All Cases

STIPULATED PROTECTIVE ORDER

WHEREAS, on January 16, 2009, the parties informed the Court that Special Master Michele Rosenberg was in the process of preparing a final report on the two CRIS Accounts for the settlement of groups of claims of multiple plaintiffs in this litigation (the "Report").

WHEREAS, the Report is in the form of an affidavit and will include an exhibit containing confidential information about settlement payments made by defendants to various plaintiffs in this litigation ("Exhibit A").

WHEREAS, courts have recognized that the parties to a settlement agreement have "a compelling interest in keeping the settlement [terms] confidential." *Grove Fresh Dist., Inc. v. John Labatt Ltd.*, 888 F. Supp. 1427, 1441 (N.D. Ill. 1995). See *In re Rezulin Products Liability Litig.*, MDL 1348 (Pretrial Order No. 128) (S.D.N.Y. February 27, 2003) at 2 ("All payments required to be made pursuant [to the previous Order regarding the Escrow Account to Fund Any Award for Common Benefit] pursuant to settlements in which the terms or the allocation of settlement payments among plaintiffs are confidential ... [and] shall not be disclosed by the Special Master except upon the Order of this Court"); *In re Chrysler Motors*, 137 F.R.D. 665, 668 (E.D. Miss. 1991) ("the Court orders the parties to the *Hume* and *Monier* settlements to jointly prepare an appropriate protective order governing the disclosure of the settlement amounts to lead and former liaison counsel.").

WHEREAS, Defendants' counsel and the Plaintiffs' Executive Committee respectfully request that Exhibit A of the Special Master's affidavit be filed under seal.

IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN the Plaintiffs' Executive Committee and defendants Warner-Lambert Company, Parke-Davis, and Pfizer Inc. (collectively "Defendants"), by their undersigned attorneys that Exhibit A of the Report submitted by the Special Master be permitted to be filed under seal.

IT IS FURTHER STIPULATED AND AGREED that facsimile signatures shall be deemed to be originals.

Dated: New York, New York
March 16, 2009

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The Court finds that good cause exists for the entry of a Protective Order concerning Exhibit A of the Special Master's Report regarding the settlement CRIS Accounts in this litigation.

Accordingly, IT IS HEREBY ORDERED:

Exhibit A of the Special Master's affidavit may be filed under seal.

SO ORDERED: 

March 17, 2009

Lewis A. Kaplan
United States District Court
Southern District of New York